

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

UNITED STATES OF AMERICA,

PLAINTIFF,

v.

**Land and Buildings Located at 132 N. Policy
Street, Salem, NH, with all Appurtenances and
Improvements Thereon, Owned by Michael Brown,
et al.**

DEFENDANTS-IN-REM.

CIVIL NO. 03-41-JM

**FINAL ORDER OF FORFEITURE AS TO
DEFENDANTS IN REM (1) LAND AND BUILDINGS LOCATED AT 132 N. POLICY
STREET, SALEM, NEW HAMPSHIRE, OWNED BY MICHAEL BROWN;
(2) \$83,818.00 IN UNITED STATES CURRENCY;
(3) \$6,680.00 IN UNITED STATES CURRENCY; AND
\$35,000.00 OF DEFENDANT IN REM (5) CONTENTS OF MORGAN STANLEY
ACTIVE ASSETS CHOICE ACCOUNT NO. 624 014996 070 IN THE NAME OF
MICHAEL BROWN; AND DISMISSING REMAINING BALANCE IN
MORGAN STANLEY ACCOUNT**

On February 4, 2003, the United States filed a Verified Complaint for Forfeiture in Rem, seeking the forfeiture of the defendants in rem (1) Land and Buildings Located at 132 N. Policy Street, Salem, NH, with all Appurtenances and Improvements Thereon, Owned by Michael Brown; (2) Eighty Three Thousand, Eight Hundred and Eighteen Dollars (\$83,818.00) in United States Currency, More or Less; (3) Six Thousand, Six Hundred and Eighty Dollars (\$6,680.00) in United States Currency, More or Less; (5) Contents of Morgan Stanley Active Assets Choice Account No. 624 014996 070 in the name of Michael C. Brown (and any other Morgan Stanley accounts in the names of Michael C. Brown and/or MB Funding Corp.), based upon alleged violations of 21 U.S.C. §§ 881(a)(6) and (7). This Complaint, and Notice of Complaint were served on all known potential claimants, including Michael Brown, who was served on May 29,

2003. There are no other known claimants.

The United States and claimant Michael Brown have reached a stipulated settlement agreement which provides for the forfeiture of the defendants in rem (1) Land and Buildings Located at 132 N. Policy Street, Salem, NH, with all Appurtenances and Improvements Thereon, Owned by Michael Brown; (2) Eighty Three Thousand, Eight Hundred and Eighteen Dollars (\$83,818.00) in United States Currency, More or Less; (3) Six Thousand, Six Hundred and Eighty Dollars (\$6,680.00) in United States Currency, More or Less; and Thirty Five Thousand Dollars (\$35,000.00) of defendant in rem (5) Contents of Morgan Stanley Active Assets Choice Account No. 624 014996 070 in the name of Michael C. Brown (and any other Morgan Stanley accounts in the names of Michael C. Brown and/or MB Funding Corp.).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

A. That all right, title and interest to the defendants in rem (1) Land and Buildings Located at 132 N. Policy Street, Salem, NH, with all Appurtenances and Improvements Thereon, Owned by Michael Brown; (2) Eighty Three Thousand, Eight Hundred and Eighteen Dollars (\$83,818.00) in United States Currency, More or Less; (3) Six Thousand, Six Hundred and Eighty Dollars (\$6,680.00) in United States Currency, More or Less; and Thirty Five Thousand Dollars (\$35,000.00) of defendant in rem (5) Contents of Morgan Stanley Active Assets Choice Account No. 624 014996 070 in the name of Michael C. Brown (and any other Morgan Stanley accounts in the names of Michael C. Brown and/or MB Funding Corp.) are hereby condemned, forfeited and vested in the United States of America pursuant to 21 U.S.C. § 881(a)(6) and (7), free from the claims of any other party.

B. That the remaining balance in the defendant in rem (5) Contents of Morgan

Stanley Active Assets Choice Account No. 624 014996 070 in the name of Michael C. Brown (and any other Morgan Stanley accounts in the names of Michael C. Brown and/or MB Funding Corp.) be liquidated and disbursed to Mr. Brown in the manner set forth below;

C. That Morgan Stanley is hereby ordered to issue a check in the amount of Thirty Five Thousand Dollars (\$35,000.00) payable to “United States Marshals Service”, and send the same to the United States Marshals Service, District of New Hampshire, 53 Pleasant Street, Concord, NH 03301.

D. That Morgan Stanley is hereby ordered to liquidate the remaining balance in the defendant in rem (5) Contents of Morgan Stanley Active Assets Choice Account No. 624 014996 070 in the name of Michael C. Brown (and any other Morgan Stanley accounts in the names of Michael C. Brown and/or MB Funding Corp.) and issue a check for the remainder balance made payable to “Kevin E. Sharkey as attorney for Michael Brown,” and send the same to Kevin E. Sharkey, Esquire, Kenna, Johnston & Sharkey, P.A., 69 Bay Street, Manchester, NH 03104.

E. That the defendants in rem (1) Land and Buildings Located at 132 N. Policy Street, Salem, NH, with all Appurtenances and Improvements Thereon, Owned by Michael Brown; (2) Eighty Three Thousand, Eight Hundred and Eighteen Dollars (\$83,818.00) in United States Currency, More or Less; (3) Six Thousand, Six Hundred and Eighty Dollars (\$6,680.00) in United States Currency, More or Less; and Thirty Five Thousand Dollars (\$35,000.00) of defendant in rem (5) Contents of Morgan Stanley Active Assets Choice Account No. 624 014996 070 in the name of Michael C. Brown (and any other Morgan Stanley accounts in the names of Michael C. Brown and/or MB Funding Corp.) shall be disposed of by the United

States Marshals Service (USMS) in accordance with the applicable law and regulations. These funds, less costs to the USMS associated with the defendants in rem shall be deposited into the Department of Justice Asset Forfeiture Fund in accordance with Title 28, United States Code, Section 524(c) and Title 21, United States Code, Section 881(e).

F. That Michael Brown shall bear his own costs of this proceeding, including attorney's fees, if any.

The Clerk is hereby directed to send five certified copies of this Order to the United States Marshal's Service and one certified copy to United States Attorney's Office, Attention: Assistant U.S. Attorney Seth R. Aframe.

Dated: April 7, 2008

/s/ James R. Muirhead
UNITED STATES MAGISTRATE JUDGE